

REMARKS

Applicants submit this Amendment in reply to the Office Action mailed April 3, 2007.

By this Amendment, Applicants have cancelled claims 6 and 17, without prejudice or disclaimer, amended withdrawn claim 11 to correct an inadvertent dependency error, amended claims 1 and 12 to at least include the subject matter of claims 6 and 17, respectively, and added new claims 66 and 67. The originally-filed specification, drawings, and claims fully support the subject matter of amended claims 1, 11, and 12, and new claims 66 and 67. No new matter has been introduced.

Claims 1-5, 7-16, and 18-67 are pending in this application, with claims 7-11, 18-22, and 26-65 having been withdrawn from consideration. Claims 1 and 12 are the sole non-withdrawn independent claims.

Applicants affirm the election of the allegedly patentably distinct invention set forth in Group I, claims 1-25, 34-54, and 62-65, and the alleged patentably distinct Species set forth in Figs. 2, 3A-3C, claims 1-6, 12-17, and 23-25, with traverse.

On pages 4-5 of the Office Action, claims 1-6, 12-17, and 23-25 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,482,054 to Slater et al. ("Slater"). Applicants respectfully traverse this rejection.

Slater does not disclose the claimed invention. For example, independent claim 1 recites a clevis assembly for a medical instrument including, among other aspects, "wherein the deformed portion [of the axle] is configured to engage an outer surface of another of the plurality of arms." Independent claim 12 recites a medical instrument including the same aspect. Slater does not disclose at least the aforementioned aspect

of the claimed invention either alone or in combination with the other aspects of the claimed invention.

Page 5 of the Office Action asserts that Slater discloses "wherein an end of the axle (28) includes a flared portion to engage an outer surface of one of the arms (34a, 34b) and a deformed portion to an end of the axle (28) opposite the flared portion (as shown [in] fig. 3b)." Applicants respectfully disagree. Even assuming *arguendo* that the bottom portion of clevis pin 28, as shown in Fig. 3b, somehow corresponds to the deformed portion of the claimed invention, no portion of this alleged "deformed portion is configured to engage an outer surface of another of the plurality of arms." While the bottom portion of clevis pin 28 may engage a surface of hole 32 in clevis 34, it is not configured to engage an outer surface of clevis 34. Instead, it appears that clevis pin 28 is placed through holes 32, and then a cap of some sort may be placed in the bottom of clevis pin 28, for example, with a shape corresponding to the hole in the bottom portion of clevis pin 28.

Accordingly, for at least these reasons, Applicants respectfully request withdrawal of the Section 102(b) rejection based on Slater.

Applicants further submit that claims 2-5, 7-11, 13-16, 18-25, 66, and 67 depend either directly or indirectly from one of independent claims 1 and 12, and are therefore allowable for at least the same reasons that their respective independent claims are allowable. In addition, each of the dependent claims recites unique combinations that are neither taught nor suggested by the cited references and therefore each also are separately patentable.

In view of the foregoing remarks, Applicants submit that this claimed invention is neither anticipated nor rendered obvious in view of the prior art references cited against this application. Applicants therefore request the Examiner's reconsideration and reexamination of the application, and the timely allowance of the pending claims. Should either of independent claims 1 or 12 be allowed, Applicants respectfully request rejoinder of dependent claims 7-11 and 18-22 in accordance with the provisions of M.P.E.P. § 821.04.

The Office Action contains characterizations of the claims and the related art with which Applicants do not necessarily agree. Unless expressly noted otherwise, Applicants decline to subscribe to any statement or characterization in the Office Action.


In discussing the specification and claims in this Amendment, it is to be understood that Applicants are in no way intending to limit the scope of the claims to any exemplary embodiments described in the specification and/or shown in the drawings. Rather, Applicants are entitled to have the claims interpreted broadly, to the maximum extent permitted by statute, regulation, and applicable case law.

If there is any fee due in connection with the filing of this Amendment, please charge the fee to our Deposit Account No. 06-0916.

Respectfully submitted,

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